

402 KAR 3:050. Bad actor notice provisions.

RELATES TO: KRS 149.330, 149.332, 149.344, 149.346, 149.348

STATUTORY AUTHORITY: KRS 149.344

NECESSITY, FUNCTION, AND CONFORMITY: KRS 149.344 requires the cabinet to establish notification requirements for loggers or operators who have received one (1) or more bad actor designations. This administrative regulation establishes the methods and requirements for bad actors to notify the Division of Forestry before beginning timber harvest operations.

Section 1. Notice Required. (1) Pursuant to KRS 149.344(11)(a), a bad actor who has received one (1) or more bad actor designations pursuant to KRS 149.344(8) shall notify the Division of Forestry prior to conducting logging operations.

(2) The bad actor shall continue to notify the division until all civil penalties have been paid and all site remediation required by the division has been performed.

Section 2. (1)(a) Bad actor notification shall be made by letter, facsimile, email, telephone conversation, or in person to the appropriate Division of Forestry regional office covering the county where the harvest shall occur.

(b) A message left on an answering machine or voice mail service shall not constitute valid notification.

(2) In the notification, the bad actor shall identify the anticipated date of harvest and the location of the timber harvesting site in sufficient detail to enable the division to locate the site in the field. The location shall be identified by:

(a) The name of the landowner;

(b) The county; and

(c) One (1) of the following methods:

1. Latitude and longitude of the site to the nearest one-tenth (1/10) of a minute or the UTM (Universal Transverse Mercator) coordinates to the nearest 100 meters;

2. USGS (United States Geological Survey) 7.5-minute topographic quadrangle map or reproduction thereof, marked to show the name of the quadrangle map, the map scale, the north arrow, and the exact location of the site; or

3. The nearest named community and the approximate distance and direction from the community to the site, the name and number of the nearest highway or street, and a description of how to reach the site from the nearest road intersection or other appropriate landmark. (41 Ky.R. 2694; Am. 42 Ky.R. 282; 1153; 1444; eff. 9-3-2015.)